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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/070,106

Applicant(s)

KAMADA, TOMIHIKA

Examiner

LISA HASHEM

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8, 9, 14 and 15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4, 8, 9, 14, 15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Amendment, filed 1-8-08, with respect to the rejection(s) of claim(s) 1-4, 8, 9, 14, and 15 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ogasawara in view of Murthy and in further view of Boesjes. Please see all rejection(s) below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 8, 9, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,512,919 by Ogasawara in view of U.S. Pat. No. 6,353,792 by Murthy and in further view of U.S. Pat. No. 6,799,165 by Boesjes.

Regarding claim 1, Ogasawara discloses a method for providing storage area (Fig. 2: 52, Fig. 10, 252; Fig. 9) in a storage server (Fig. 1, 10; Fig. 2, 10; Fig. 10, 210; col. 9, lines 6-42) for a plurality of portable data terminals (col. 9, lines 6-8 and 33-65; Fig. 1, 18; Fig. 10, 218) connected over a network (Fig. 1; Fig. 10; col. 4, line 66 – col. 5, line 20; col. 15, lines 55-62), said method comprising the steps of:

allocating a uniquely dedicated storage area (Fig. 2, 52; Fig. 10, 252) for each user of users of said plurality of portable data terminals (Fig. 9; col. 9, lines 6-65; col. 17, line 26 – col. 18, line 10);

storing software (i.e. purchase transaction program), which is requested on the network by one of the users, into the dedicated storage area (i.e. different purchase transaction programs stored in Fig. 2, 52 and Fig. 10, 252) uniquely allocated to said one of the users of the storage server (i.e. the claimed uniquely allocated reads on different download program IDs that represent different purchase transaction programs customized for each user) (col. 9, lines 6-65; col. 12, lines 51-63; col. 17, line 37 – col. 18, line 10); and

making available the software, stored in the dedicated storage area in said storage server, to said one of the users in response to a request from said one of the users (col. 12, line 8 – col. 14, line 19; col. 17, line 37 – col. 18, line 10).

Ogasawara discloses software for use with portable data terminals. However, Ogasawara does not disclose dedicated storage areas uniquely allocated to one of the users of the storage server and software which is purchased from a sales site.

Murthy discloses a method for providing storage areas (Fig. 1: 8, 10) in a storage server (Fig. 1, 7) for a plurality of data terminals (Fig. 1, 13; workstations) connected over a network (Fig. 1), said method comprising the steps of: allocating a uniquely dedicated storage area (i.e. mailbox) for each of users of said plurality of data terminals (col. 5, lines 22-28); storing data (i.e. data, information, messages), which is downloaded at a data site (Fig. 1, 3) on the network (col. 4, line 58 – col. 5, line 15; col. 7, lines 13-22), from the data site into one of the dedicated storage areas uniquely allocated to said one of the users of the storage server without

sending the data from the data site directly to a data terminal of said one of the users (col. 5, lines 17-34; col. 8, line 66 – col. 9, line 25); and making available the data, stored in one of the dedicated storage areas in said storage server, to said one of the users in response to a request from said one of the users, while keeping the data intact in said one of the dedicated storage areas (col. 9, lines 4-25).

Again, Ogasawara discloses the claimed method except Ogasawara has a dedicated storage area for programs that are dedicated to each user of users of the plurality of portable data terminals. However, the claimed feature of dedicated storage areas uniquely allocated to one of the users of the storage server was old and well known in the art. Murthy teaches such concept.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ogasawara to include dedicated storage areas uniquely allocated to one of the users of the storage server as taught by Murthy. One of ordinary skill in the art would have been lead to make such a modification of Ogasawara to include a dedicated storage area for each user of a portable data terminal, such as the central computer server of Murthy, to the server of Ogasawara so the portable data terminal with limited storage capacity has a remote storage area to store software that is retrieved by a user of a portable data terminal.

Ogasawara in view of Murthy do not disclose purchasing the software at a software sales site.

Boesjes discloses a method for providing storage areas (Fig. 2, 120; Fig. 3, 132; Fig. 4, 142) in a storage server (Fig. 3, 100) for a plurality of users (col. 6, line 59 – col. 7, line 1; col. 7, line 65 – col. 8, line 2) connected over a network (col. 6, lines 1-39), said method comprising the steps of:

allocating a uniquely dedicated storage area for users (i.e. buyer or shopper) (Fig. 3, 132; Fig. 4, 142);
storing software (i.e. digitally transferable good), which is purchase-requested at a software sales site (i.e. web site) on the network by one of the users, from the software sales site into the dedicated storage area uniquely allocated to one of the type of users (i.e. buyer or shopper) of the storage server without sending the software from the software sales site directly to said one of the users (col. 5, lines 40-51; col. 9, line 5 – col. 10, line 2; col. 10, lines 19-25); and
making available the software, stored in one of the dedicated storage areas in said storage server, to said one of the users in response to a request from said one of the users (col. 9, line 65 – col. 10, line 2; col. 10, lines 19-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ogasawara in view of Murthy to include purchasing the software at a software sales site as taught by Boesjes. One of ordinary skill in the art would have been lead to make such a modification to provide a user a way to purchase the software remotely at a web site and have the purchased software stored in a storage server temporarily until the user requests for the purchased software and the portable data terminal of the user has capacity to store the software.

Regarding claim 3, the method for providing storage areas according to claim 1, wherein Boesjes discloses further comprising the step of charging one of the users for the purchase-requested software when the purchase-request is made, when said one of the users downloads the software from said one of the dedicated storage areas, or when said one of the users indicates an

intention to continue to use after a trial period passes after the downloading (Boesjes: col. 8, line 35 – col. 9, line 4).

Regarding claim 8, Ogasawara further discloses a storage server (Fig. 1, 10; Fig. 2, 10; Fig. 10, 210; col. 9, lines 6-42) connected to a plurality of portable data terminals (col. 9, lines 6-8 and 33-65; Fig. 1, 18; Fig. 10, 218) over a network (Fig. 1; Fig. 10; col. 4, line 66 – col. 5, line 20; col. 15, lines 55-62), said storage server comprising:

a storage unit (Fig. 2, 52; Fig. 10, 252) having dedicated storage area having software (i.e. different purchase transaction programs stored in Fig. 2, 52 and Fig. 10, 252), each uniquely allocated to an individual user of one of said plurality of portable data terminals (i.e. the claimed uniquely allocated reads on different download program IDs that represent different purchase transaction programs) (col. 9, lines 6-65; col. 17, line 37 – col. 18, line 10);

means for receiving software (i.e. purchase transaction program), which is requested by one of the users of said plurality of portable data terminals on the network for storing the software into the dedicated storage area uniquely allocated to said one of the users (col. 9, lines 6-65; col. 12, lines 51-63; col. 17, line 37 – col. 18, line 10);

a management table storing therein management information about the software stored in the dedicated storage area of the users (Fig. 9; col. 9, lines 6-65); and

means for referencing said management table in response to access from one of the users and for sending the software, which is stored in the dedicated storage area and is uniquely allocated to said one of the users, to the portable data terminal of said one of the users (col. 9, lines 6-65; col. 12, lines 51-63; col. 12, line 8 – col. 14, line 19; col. 17, line 37 – col. 18, line 10).

Ogasawara discloses software for use with portable data terminals. However, Ogasawara does not disclose dedicated storage areas uniquely allocated to one of the users of the storage server and software which is purchased from a sales site.

Murthy discloses a storage server (Fig. 1, 7) connected to a plurality of data terminals (Fig. 1, 13; i.e. workstations) over a network (Fig. 1), said storage server comprising: a storage unit having dedicated storage areas (Fig. 1, 10; mailboxes), each uniquely allocated to an individual user of one of said plurality of data terminals (col. 5, lines 22-28); means for receiving data (i.e. data, information, messages), which is requested by one of the users of said plurality of data terminals, from a data site (Fig. 1, 3) on the network for storing the data into one of the dedicated storage areas uniquely allocated to said one of the users (col. 4, line 58 – col. 5, line 15; col. 7, lines 13-22); and means for sending the data, which is stored in one of the dedicated storage areas uniquely allocated to said one of the users, to the portable data terminal of said one of the users, while keeping the data intact in said one of the dedicated storage areas (col. 9, lines 4-25).

Again, Ogasawara discloses the claimed storage server except Ogasawara has a dedicated storage area for programs that are dedicated to each user of users of the plurality of portable data terminals. However, the claimed feature of dedicated storage areas uniquely allocated to one of the users of the storage server was old and well known in the art. Murthy teaches such concept.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the storage server of Ogasawara to include dedicated storage areas uniquely allocated to one of the users of the storage server as taught by Murthy. One of ordinary skill in the art would have been lead to make such a modification of Ogasawara to include a dedicated

storage area for each user of a portable data terminal, such as the central computer server of Murthy, to the server of Ogasawara so the portable data terminal with limited storage capacity has a remote storage area to store software that is retrieved by a user of a portable data terminal.

Ogasawara in view of Murthy do not disclose purchasing the software at a software sales site.

Boesjes further discloses a storage server (Fig. 1, 100) in a network (col. 6, lines 1-39), said storage server comprising:
a storage unit having dedicated storage area (Fig. 3, 132; Fig. 4, 142) (col. 6, line 59 – col. 7, line 1; col. 7, line 65 – col. 8, line 2);
means for receiving software (i.e. digitally transferable good), which is purchase-requested by one of the users of said plurality of users on the network for storing the software into a dedicated storage area uniquely allocated to said one of the type of users (i.e. buyer or shopper) (col. 5, lines 40-51; col. 9, line 5 – col. 10, line 2; col. 10, lines 19-25);
a management table (Fig. 3, 330; Fig. 4, 430) storing therein management information about the software stored in the dedicated storage area (col. 8, lines 35-63; col. 9, lines 5-44); and
means for referencing said management table in response to access from one of the users and for sending the software, which is stored in the dedicated storage areas uniquely allocated to said one of the type of users (col. 9, line 5 – col. 10, line 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the storage server of Ogasawara in view of Murthy to include purchasing the software at a software sales site as taught by Boesjes. One of ordinary skill in the art would have been lead to make such a modification to provide a user a way to purchase the software

remotely at a web site and have the purchased software stored in a storage server temporarily until the user requests for the purchased software and the portable data terminal of the user has capacity to store the software.

Regarding claim 9, the storage server according to claim 8, wherein Ogasawara in view of Murthy in further view of Boesjes discloses said storage unit further comprises a common storage area in which an application program body is stored as the software for common use by a plurality of users (Ogasawara: col. 9, line 66 – col. 10, line 10) and wherein data associated with the application program body and corresponding to each user is stored separately in the dedicated storage area of the user (Boesjes: Fig. 3, 330; Fig. 4, 430; col. 8, lines 35-63; col. 9, lines 5-44).

Regarding claim 14, the method for providing storage areas according to claim 1, wherein Ogasawara in view of Murthy in further view of Boesjes discloses further comprising the steps of:
accepting a purchase request of software from one of the users at the software sales site; and
receiving, according to said purchase request, the purchase-requested software or identification information associated therewith at a site of said storage server such that said purchase-requested software or identification information associated therewith is stored into said one of the dedicated storage areas uniquely allocated to one of the users (Ogasawara: col. 9, lines 6-65; col. 12, lines 51-63; Boesjes: col. 9, lines 5-44).

Regarding claim 15, the method for providing a storage areas according to claim 1, wherein Ogasawara in view of Murthy in further view of Boesjes discloses said step of storing software into one of the dedicated storage areas allocated uniquely to said one of the users, is performed after the software is purchase-requested at a software sales site on the network by the

said one of the users (Ogasawara: col. 9, lines 6-65; col. 12, lines 51-63; Boesjes: col. 9, line 5 – col. 10, line 1).

4. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of Murthy in further view of Boesjes as applied to claim 1, and in further view of Zilliacus.

Regarding claim 2, the method for providing storage areas according to claim 1, wherein Ogasawara in view of Murthy in further view of Boesjes do not disclose an expiration date until which said one of the users is allowed to use the software stored in said storage server is set.

Zilliacus discloses a method for providing a storage area in a storage server (i.e. PC) for a portable data terminal (Fig. 1, 110; Fig. 2, 210) connected over a network (Figs. 1, 2; col. 5, lines 38-40; col. 6, lines 1-17), said method comprising the steps of:
allocating a uniquely dedicated storage area for each user (col. 6, lines 1-17) (i.e. user of the mobile terminal uses a PC for a downloading service);
storing software, which is purchase-requested at a software sales site on the network by a user into the dedicated storage area allocated uniquely to the user of the storage server without sending the software from the site directly to a portable data terminal of the user (col. 6, lines 1-17; col. 7, lines 1-15); and making available the software, stored in the dedicated storage area in said storage server, to the user in response to a request from the user (col. 7, lines 11-15; col. 8, lines 29-38).

Wherein Zilliacus further discloses an expiration date until which the user is allowed to use the software stored in said storage server is set, further comprising the step of making the software, which is in the dedicated storage area, unavailable to the user after the expiration date

(i.e. wherein the application will delete itself automatically, even if the application is stored on the PC because the application is formatted with a lifetime) (col. 6, lines 1-67; col. 7, line 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ogasawara in view of Murthy in further view of Boesjes to include an expiration date until which said one of the users is allowed to use the software stored in said storage server is set as taught by Zilliacus. One of ordinary skill in the art would have been lead to make such a modification to provide a user a way to purchase the software remotely at a web site for a predetermined time in order for the user to 'lease' the software within a period of time.

Regarding claim 4, the method for providing a storage areas according to claim 1, wherein Ogasawara in view of Murthy in further view of Boesjes storing software, which is not purchase-requested by one of the users (Boesjes: Fig. 1, 120; col. 7, line 59 – col. 8, line 27).

However, Ogasawara in view of Murthy in further view of Boesjes do not disclose further comprising the steps of: storing software, which is not purchase-requested by one of the users, into one of the dedicated storage areas uniquely allocated to said one of the users; allowing said one of the users to select the software not purchase-requested; and charging said one of the users for the software when said one of the users downloads the selected software or when said one of the users indicates an intention to continue to use after a trial period.

Zilliacus discloses a method for providing a storage area in a storage server (i.e. PC) for a portable data terminal (Fig. 1, 110; Fig. 2, 210) connected over a network (Figs. 1, 2; col. 5, lines 38-40; col. 6, lines 1-17), said method comprising the steps of:

allocating a uniquely dedicated storage area for each user (col. 6, lines 1-17) (i.e. user of the mobile terminal uses a PC for a downloading service);
storing software, which is purchase-requested at a software sales site on the network by a user into the dedicated storage area allocated uniquely to the user of the storage server without sending the software from the site directly to a portable data terminal of the user (col. 6, lines 1-17; col. 7, lines 1-15); and making available the software, stored in the dedicated storage area in said storage server, to the user in response to a request from the user (col. 7, lines 11-15; col. 8, lines 29-38).

Wherein, Zilliacus further discloses further comprising the steps of:
storing software, which is not purchase-requested by the user (i.e. initially downloading an application without a fee), into the dedicated storage area (i.e. PC);
allowing the user to select the software not purchase-requested; and
charging the user for the software when the user downloads the selected software or when the user indicates an intention to continue to use after a trial period (i.e. downloading the same application on a different occasion for a reduced fee) (col. 7, line 27 – col. 8, line 37; col. 8, line 61 – col. 9, line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ogasawara in view of Murthy in further view of Boesjes to include storing software, which is not purchase-requested by the user into a dedicated storage area of a user as taught by Zilliacus. One of ordinary skill in the art would have been lead to make such a modification to keep software stored into a dedicated storage area in order to store software that may be selected in the future by the user.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

6. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fan Tsang/

Supervisory Patent Examiner, Art Unit 2614

/Lisa Hashem/

Examiner, Art Unit 2614

April 7, 2008